

### REMARKS

Reconsideration of the instant application is respectfully requested. The present amendment is responsive to the Office Action of November 16, 2005, in which claims 1-24 were previously pending. Of those, claims 8-10 and 13-24 have been withdrawn from consideration as being drawn to a non-elected species and a non-elected invention, respectively. Claims 1-7, 11 and 12 thus remain pending.

With regard to the art of record, claims 1-3, 5, 6, 11 and 12 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,573,172 to En, et al. In addition, claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over En, in view of U.S. Patent 6,455,405 to Ku. Claim 7 has been rejected under 35 U.S.C. §103(a) as being unpatentable over En, in view of U.S. Patent Publication 2002/0197890 by Mizuno, et al. and the publication entitled "Chemical Vapor Deposition of Amorphous and Polycrystalline Films" by Wolf, et al. For the following reasons, however, it is respectfully submitted that the application is now in condition for allowance.

As an initial matter, claim 2 is amended as set forth above to overcome the §112, second paragraph rejection of claims 2-7. More specifically, "said second configuration of insulating devices" is amended to read --said second configuration of insulating material--.

With regard to the rejections based on the art of record, claim 1 has been amended to more specifically recite that: (i) the first group of CMOS devices comprises NFET devices and the second group of CMOS devices comprises PFET devices (from cancelled claim 3); and (ii) the insulating material over the NFET devices comprises a tensile layer, while the insulating material over the PFET devices comprises a compressive layer (see, for example, claim 6).


The Applicants note that, as to the present rejection of claim 6, the Examiner points to layer 130 in En as teaching the claimed tensile layer, and layer 150 in En as teaching the claimed compressive layer. However, a detailed review of the En reference reveals that the tensile layer 130 is actually used over the PMOS transistor 104 while the compressive layer 150 is used over the NMOS transistor 102 (see, for example, FIG. 211 of En; col. 3, lines 41-64; col. 5, lines 46-49). Moreover, the broadest claim of En (claim 1, col. 9, lines 14-15) recites "forming a tensile film over the PMOS transistor; and forming a compressive film over the NMOS transistor..."

Thus, the teachings of En are the exact opposite of what is being claimed in the instant application, wherein the tensile layer is formed over the NFET devices and the compressive layer is formed over the PFET devices. Accordingly, because En does not teach or suggest forming the tensile and compressive layer in the opposite manner (i.e., over NMOS devices and PMOS devices, respectively), the claims as currently amended are not anticipated by En. Accordingly, it is respectfully submitted that both the §102 and §103 rejections have been overcome.

For the above stated reasons, it is respectfully submitted that the present application is now in condition for allowance. No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 09-0458 maintained by Applicants' attorneys.

Respectfully submitted,  
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